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C O N F I D E N T I A L SECTION 01 OF 04 BAGHDAD 000934

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TAGS: [PREL](#) [PGOV](#) [MARR](#) [MOPS](#) [IZ](#) [ES](#) [RO](#) [AS](#) [EN](#) [UK](#)
SUBJECT: COALITION DRAWDOWN DEMONSTRATES IRAQ,S MIXED
FEELINGS TOWARD FOREIGN ENGAGEMENT

REF: A. 08 BAGHDAD 03940
[1](#)B. LETTER FROM PRESIDENT TALABANI TO NATO SYG
[1](#)C. BAGHDAD 00469
[1](#)D. STATE 016188

Classified By: CDA Patricia A. Butenis for reasons 1.4 (b) and (d)

Summary

[1](#)1. (C) Coalition Forces, once representative of 39 countries participating in Operation Iraqi Freedom, have now mostly departed Iraq, indicative of significant improvements in Iraq's security environment and Iraq's own recognition of its sovereignty. Coalition members provided varying degrees of support to Iraq, but where they respected their Iraqi hosts, strong relationships grew. In the end, however, Iraq's anti-foreign streak and history since 1958 of confrontation rather than cooperation with foreign military forces, along with the turbulence of Iraq's nascent political system, made it very difficult to turn the Coalition into lasting bilateral security relationships. At present, only the UK, Australia, Romania and NATO forces remain in support of U.S. and Iraqi forces. These Coalition partners and NATO were willing - with considerable U.S. assistance - to painstakingly work through the process of negotiating separate bilateral agreements for their continued presence until July 31.

[1](#)2. (C) While the GOI's foreign policy abilities do not yet extend to facilitating such military negotiations, the GOI is committed to a robust NATO presence through the NATO Training Mission Iraq (NTM-I). NATO is probably attractive to the GOI because of its prestige, multilateralism, and non-combat focus. NATO Assistant Secretary General (ASYG) Martin Howard visited Iraq March 21-22 to conclude discussions for an MOU between NATO and the GOI, and NATO Secretary General (SYG) Jaap de Hoop Scheffer will visit Baghdad April 8-9 to sign the document. The UK has begun the withdrawal of its forces, but is currently negotiating an MOU for the continued presence of some UK forces beyond July 31. Australian forces are not likely to remain, owing to domestic political concerns. Romania will withdraw its forces, but has indicated a strong desire to bolster its participation in NTM-I. END SUMMARY.

The Coalition of the Willing

[1](#)3. (C) Since March 2003, 39 countries have joined the U.S. in the Coalition that carried out Operation Iraqi Freedom. The

36 countries that have since departed deployed a total of over 100,000 forces to Iraq over the course of their participation in the Coalition. While these units varied in size and mission, all contributed to securing and rebuilding the new Iraq state. Many of them lost at least a few soldiers' lives. Yet even the Republic of Korea's engineering and medical assistance-dominated division in the KRG did not meet the GOI's threshold for making the effort to retain them beyond 2008. In pursuing arrangements for continued foreign military support after the era of UN Security Council Resolutions mandating foreign intervention in Iraq, the GOI demonstrated ambivalence toward foreign military presence and sought to regain sovereignty over the use of force within its borders. This ambivalence was compounded by the intense struggle to gain agreement for the U.S. Security Agreement, which made PM Maliki extremely wary of going to the Council of Representatives (COR) to establish the legal presence for foreign forces. The GOI acknowledged areas where it continues to need and want foreign assistance, yet often lacked the political will to facilitate that continued assistance.

¶4. (C) On November 13, 2008, the GOI invited the UK, Australia, Romania, El Salvador, Estonia and NATO to remain in Iraq beyond the expiration of United Nations Security Council Resolution (UNSCR) 1790 on December 31, based on strong U.S. recommendations, and the fact that Iraq judged the skills offered as necessary for ongoing operations and the development of Iraqi Security Forces. The conclusion of the U.S.-Iraq security agreement on December 17, however, left little time or political energy for the GOI to focus on

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these other partner states. An Exchange of Letters (EOL) by the Executive would have been most politically expedient, but the PM's Chief Legal Advisor, Dr. Fadel, determined that the Executive branch did not have the competency to authorize by such means the legal presence of foreign troops in Iraq or to provide for their immunity from legal process. Therefore, PM al-Maliki reluctantly drafted a bill for approval by the COR; reftel (A).

¶5. (C) The draft bill was approved by the Council of Ministers (COM) on December 18 but was subsequently rejected by the COR on December 21. Chaos ensued the following day in the COR over unrelated matters, as Speaker Mashadani was forced to resign, pushing an agreement for Coalition and NATO forces far down the list of priorities for Iraq's slow-moving legislature. The COR moved for a two-week recess the following day. NATO Supreme Allied Commander Europe (SACEUR) ordered NATO forces to make preparations for their immediate withdrawal, compelling the PM to direct National Security Advisor Dr. Mowafaq al-Rubaie to issue a letter to NATO reaffirming the GOI's commitment to NTM-I. Rubaie's letter assured NATO of equivalent legal protections to those of U.S. forces, despite the Executive's lack of constitutional power to do so, forestalling a NATO withdrawal but complicating efforts to resolve the NATO mission's legal status in subsequent months.

¶6. (C) Under pressure from the U.S. and the PM's Office, the COR finally passed Resolution 50 on December 23, providing for the continued lawful presence of the 1 4 1. COR Resolution 50 authorized the COM to "regulate the presence and conditions of the activities of the (1 4 1) forces." The COM delegated this authority to the MinDef, authorizing him to negotiate separate MOUs with the Coalition states and NATO, defining their tasks and activities and areas of operation, and establishing joint committees for the implementation of their respective MOUs. The COR decision did not come in time to retain El Salvador, which announced its withdrawal from Iraq hours earlier, perceiving a lack of interest from the GOI in maintaining Salvadoran assistance.

¶7. (C) The UK, Australia and Romania quickly drafted MOUs for

signature by the MinDef. The UK and Australia signed agreements on December 30, but Romania insisted on additional human rights assurances, concerned that Romanian forces might be subject to the death penalty under Iraqi law. The PM's legal advisor and the MinDef both refused to include even a vague reference to international human rights commitments in Romania's MOU, requiring Post to seek a separate letter of assurance from President Talabani; reftel (B). (Note: The President is charged with ratifying death sentences according to the Iraqi Constitution (Article 73(8)). End note.) With this letter, Romania signed its MOU with the GOI on January 126.

18. (C) Estonia, which had already withdrawn its forces from Iraq, was unable to successfully negotiate a suitable agreement with the GOI, due to domestic concerns over status protections for its forces. Estonia insisted on equivalent protections to U.S. forces, but the GOI was unwilling to concede, particularly in light of the UK and Australia having already accepted lesser protections. The Estonian MinDef Qalready accepted lesser protections. The Estonian MinDef visited Iraq in February to attend Estonia's End of Mission ceremony. In a meeting with Ambassador Crocker, he expressed Estonia's strong commitment to maintain close bilateral ties with Iraq - a source of pride for the relatively new Eastern European democracy. Estonia maintains forces in NTM-I and will look to augment its presence in the future.

19. (C) The passage of COR Resolution 50 caused a number of NATO Allies to question the legal status of NTM-I, since COR Resolution 50 provided lesser immunities than were offered in the December 21 EOL between Rubaie and NATO. In an attempt to assuage Allied concerns, ASYG Howard visited Iraq from February 9 - 11 to seek legal clarifications and a reaffirmation of the GOI's commitment to NTM-I; reftel (D). Howard secured a letter signed by the PM, noting the GOI's commitment to the continued presence of NTM-I and directing the MinDef to sign a MOU with NATO. ASYG Howard met with Dr. Fadel, who remarked that the PM was willing to go back to the COR to pursue additional legal protections for NTM-I, noting that the GOI would consider parity with the UN or Administrative and Technical (A/T) diplomatic status under the Vienna Convention. Dr. Fadel said that NTM-I was viewed

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differently from Coalition Forces by the COR and he judged that a bill would pass without significant resistance; however, he believed it would be best to wait a few months before introducing any new legislation. On February 18, ASYG Howard briefed the North Atlantic Council on his trip to Iraq, which seems to have appeased most Allies.

Status and Future of Coalition Forces

10. (C) Romania currently has 417 troops deployed to Iraq, including staff officers with MNF-I, MNC-I and MNSTC-I in Baghdad, medical teams in Baghdad and Basra, the 241st Romanian Infantry Battalion, conducting civil military operations in Dhi Qar, and a small detachment in Al Kut conducting reconnaissance operations using Unmanned Aerial Vehicles (UAVs). Romanian forces will draw down to 360 by April 1. Romanian Political Counselor Eugen Chira met with PolMil MinCouns Michael Corbin on March 25 to discuss Romania's continued presence in Iraq. Chira indicated that Romania will seek to bolster its commitment to NTM-I, but that it will likely withdraw its remaining forces by July 31.

11. (C) Australia maintains 39 embedded staff officers in MNF-I, MNC-I and MNSTC-I in Baghdad, but will draw down to 33 by April 1. It is unclear whether Australian forces will remain beyond July 31. CENTCOM Commanding General (CG) Petraeus wrote to the Australian Chief of Defense Force asking that Australia stay beyond July 31, noting the value

of Australian staff officers to ongoing operations. However, in a meeting on March 18, Australian Charge D' Affaires Adrian Morrison advised PolMil MinCouns Corbin that Australia would not likely remain beyond July 31, owing to domestic political concerns.

¶12. (C) The UK has approximately 4,000 forces deployed to Iraq, including the forces until recently comprising the MND-SE Division HQ in Basra, as well as the 20th British Armored Brigade in Basra, CNaTT with MNSTC-I at Um Qasr and staff officers with MNF-I, MNC-I and MNSTC-I in Baghdad. The UK transferred authority for MND-SE to the U.S.-led MND-C on March 31 and is preparing the division headquarters personnel for redeployment home, but is currently negotiating an MOU with the GOI for the continued presence of some of its other forces until December 31, 2011. The UK seeks to maintain approximately 315 troops to conduct training and assistance missions and naval operations, and to fill 100 staff officer positions with MNF-I, MNC-I and MNSTC-I in Baghdad (eventually USF-I). The UK expects to conclude its new MOU within the next month and will redeploy its combat forces, except for naval assets, by May 31.

NATO - ASYG Howard's Visit to Iraq

¶13. (C) NATO Assistant Secretary General (ASYG) Martin Howard visited Iraq March 21 - 22 to conclude discussions for a short-term MOU between NATO and the GOI, defining NATO's tasks and activities and agreed facilities and areas. The MOU was initialed by ASYG Howard and Minister of Defense Abd al-Qadir on March 20 and will be signed by NATO Secretary General Jaap de Hoop Scheffer during his visit to Iraq April 8-9. According to ASYG Howard, Minister Abd al-Qadir Q8-9. According to ASYG Howard, Minister Abd al-Qadir reaffirmed his own personal commitment to NATO's continued mission in Iraq and commented that NATO was "vital to the development of the Iraqi Security Forces."

¶14. (C) ASYG Howard sought advice and assistance from the Embassy in obtaining a letter of human rights assurances from President Talabani, noting that a number of NATO Allies - the Danes in particular - had raised concerns about their forces potentially being subject to the death penalty under Iraqi law. Pol-Mil MinCouns advised that a letter for signature by Talabani was the best course of action and that we would assist in getting a letter signed, as we had done with the Romanians. NATO legal advisor Baldwin De Vidts drafted a letter, based on the Romanian model, providing basic assurances that the GOI would respect international human rights agreements to which NATO states are party. (Note: The letter is now with President Talabani's office for signature. End note.)

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¶15. (C) ASYG Howard advised that the next step for NATO was to draft a long-term agreement for the continued presence of NATO forces, possibly through 2011, which provides immunity from legal process equivalent to Administrative and Technical (A/T) diplomatic status under the Vienna Convention. ASYG Howard noted that Dr. Fadel had mentioned this as an option during his last visit to Iraq, which Howard judged would be acceptable to Allied members. ASYG Howard noted that he discussed NATO's long-term agreement and augmented jurisdictional protections with Minister Abd al-Qadir, but that a number of issues remained unclear. He had hoped to discuss the details of jurisdiction and immunities with Dr. Fadel, but was unable to meet with him during this visit.

¶16. (C) ASYG Howard concluded that his visit was a success: having concluded negotiations for a MOU to be signed by the SYG during his April 8 visit to Iraq; having drafted a letter of human rights assurances for signature by President Talabani; and having discussed a long-term agreement with

Minister Abd al-Qadir, even though legal protections remained unclear. He noted that he would likely have a draft long-term agreement in the coming week, but cautioned that NATO "is not an agile organization" and that it takes a long time to gain consensus on any matter.

Comment

¶17. (C) Iraq in general acknowledged the value of maintaining the continued support of these key partners, but at times seemed unwilling to do what was necessary to ensure their continued support, however minimal the effort. GOI officials demonstrated very limited political will to support the continued presence of foreign forces in Iraq, wary of having to defend such decisions to the Iraqi legislature and public.

The GOI's recent willingness to negotiate with NATO for additional jurisdictional cover and the continued presence of NATO forces is more encouraging. The GOI demonstrated initiative during Howard's February 18 visit to Iraq, proposing potentially viable alternatives to provide for sufficient jurisdictional protections for NATO forces. It appears that the GOI has recognized the value and importance of NTM-I and appears to be demonstrating greater flexibility in negotiating a suitable long-term agreement for its continued presence.

¶18. (C) In pursuing international relationships, the GOI grapples with two sometimes competing motivations: on the one hand, the need to regain sovereignty and self-sufficiency, removing any visible dependencies on foreign forces, and on the other hand, the desire to become a fully functioning member of the international community that boasts partnerships with prestigious security alliances like NATO and that benefits from the modern capabilities they can offer Iraq. Navigating those competing priorities in a politically volatile environment - in the run-up to national elections - will prove very difficult. However, Iraq will likely seek to engage in security relationships with members of the international community in the future, if it can find politically feasible means of doing so.

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